Confidential

# Home — (1936) Department

JJJ SERIES.

G.O. No. 3711

Confidential

DATED 18.12.1936

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## [Despatch Abstract.]

Legislative Council, Question -

Sub Court, Mangalore - Transfer of Sub Judge.

Papers recorded.

Council Office
2-7-36

Starred Question

Mr.U.C.Subrahmanya Shatt

The Home Dept.

*.33 Will the Hon. the Law Member be pleased to state with reference to his promise made in the Legislative Council in answer to the cut motion on the administration of justice in this House on 19-3-36 that all he can promise is that he will forward the proceedings to the High Court made with special reference to the alleged incident of the Sub-court at Mangalore on 9-12-1935 when the District Judge and the District Collector went to the Sub-court and seized certain papers of the suit decided against Mr.Gawne by the Sub-Judge----

'A' on p 25 of Assn. 1308 Home 11.7.36

(a) whether he has sent the proceedings to the High Court as promised;

(b) whether the High Court has taken any action on the same or held any enquiry; if so with what result;

(c) whether the Government would state the full facts of the case, and specially as to whether the High Court Judge who ordered the search and seizure was informed of the true state of affairs calling for the said action by the party complaining and whether he was informed that the complainant was a party to the suit and whether the order for search was sent to the District Judge through the Collector and not directly;

Q.33 (cont.)

(d) whether the sub-judge has since been transferred; if so, whether it was at the instance of the High Court or the Government and why he was transferred; if it was at the instance of the Government, whether any report was called for from the High Court before transfer?

V.R.

Council Office,
2-7-1936.

Home Department.

Draft answer.

Starred question:

Mr. U.C. Subrahmanya Bhatt

103. Will the Hon. the Law Member be pleased to state with reference to his promise made in the Legislative Council in answer to the cut motion on the administration of justice in this House on 19-3-36 that all he can promise is that he will forward the proceedings to the High Court made with special reference to the alleged incident of the Sub-court at Mangalore on 9-12-1935 when the District Judge and the District Collector went to the Sub-court and seized certain papers of the suit decided against Mr.Gawne by the Sub-judge---

A mp 25 of Letter no 1308 (M) 11.7.36

(a) whether he has sent the proceedings to the High Court as promised;

(a) Yes.

(b) whether the High Court has taken any action on the same or held any enquiry; if so with what result;

(b) The Govt. have no information.

(c) whether the Government would state the full facts of the case, and specially as to whether the High Court Judge who ordered the search and seizure was informed of the true state of affairs calling for the said action by the party complaining and whether he was informed that the complainant

P.T.O

was a party to the suit and whether the order for search was sent to the District Judge through the Collector and not directly;

(c) The Govt. have no information of what facts were placed before the High Court.

(d) whether the Sub-judge has since been transferred; if so, whether it was at the instance of the High Court or the Government and why he was transferred; if it was at the instance of the Government, whether any report was called for from the High Court before transfer?

(d) The Sub-Judge has been transferred on public grounds.

Home 1434E-I
3.8.36.

Dept.'s initial
Date 5/8/1936.

Home 1434E
7.7.36

Law Dept. III-8—1,000—12-1-35.

QUESTION.—No. 33 for the meeting of the Legislative Council to be held on the 27—8—1936.

SUBMITTED that two copies of this Question may be forwarded to the Home Department.

The Question has been admitted.

AS 6/7

*U.O. No.* , *dated*

R.V.K
6/7

To

The Home Department.

(2nd copy)
Supreme Tendrik

HOME DEPARTMENT.

L.C.Q. Mr.U.C. Subramanya Bhat.

=Incident in the Sub-court, Mangalore—
Proceedings of the Legislative Council - whether sent to High Court - Transfer of Sub Judge from Mahgalore.

A.S.

Please see the Legislative Council Question, (starred) in the c.f.

In connection with the Budget for 1936-37, Mr.U.C- Subramanaya Bhat, M.L.C. referred to the incident in the Sub Court, Mangalore viz., the Collector and Dt. Judge, South Kanara going to the Sub Court, Mangalore and seizing papers of the suit in which the Sub Judge gave a decree against the Collector in his private capacity etc. In his reply to the cut motion the H.M. Law Member, in regard to this particular question, stated that the matter was entirely within the discretion of the High Court, but since the M.L.C. was very insistent, he promised to send a copy of the proceedings to the High Court. The M.L.C. now asks

(a) whether the proceedings have been sent to the High Court, as promised; and

(b) whether the High Court has taken any action on the same or held any enquiry; if so with what result.

With regard to item (a) above, it is submitted that a copy of the proceedings has been sent to the High Court, for such action as the Hon. the Judges deemed fit to take on it. The answer to clause (a) of the question may be "Yes."

Item (b) above

It is not known whether any action the High Court has taken in the matter. The proceedings were sent to the High Court for such action as it deemed fit

No reply is expected from the High Court. The answer to clause (c) may be "The Govt have no information"

Clause (c) of the question.

Please see the Chief Secretary' note on the ~~top~~ bottom file. There is no information on the point. Please see also Hue C.'s C.M.W. Ste. A on pp 24-25 of files (I) (M)

~~The papers are with the Chief Secretary.~~

Clause (d) of the question.

The Sub Judge,(Mr.R.Balasubramania Ayyar) was transferred from the Sub Court, Mangalore ~~in G.O. No. 857 L.G.(Genfdl.) dated 7-3-36.~~ to the Sub Court, Coimbatore. The Govt., ~~on their own initiative~~, asked the High Court to propose his transfer from Mangalore for the reasons given in Mr.Boag's D.O dated 12-2-36 The answer to the first part may be 'yes' and the answer to the other parts of the question may be

"The Govt. are unable to furnish the information asked for."

There is often a request for such a transfer having regard to exigencies of service. No reasons need be given.

2. The file may be sent to Public(Special) for remarks with reference to Clause (c).

24/7

24/7

S

The answers might be as follows

(a) Yes

(b) The Govt have no information

(c) The Govt have no information of what facts were placed before the High Court

(d) The subject has been transferred on Public grounds.

4 pp 2-3 marked file

pp 24-25 of files (M)

4 (I) (P)

G.O. No 857 Law (Genl) dated 7-3-36

p. 4 of (I)

We have no information in Home or the full facts of the case but it may seem necessary to obtain them

I presume public have no information on the specific facts referred to in (c)

X

A | Will public say whether they agree to the draft answer

H.M.
14.7

NOWO 1434
24/7/36.

Pub

SECRETARY
25 JUL 1936

Public Dept.

There are no papers relevant to the L.C.Q in the C.S. in this Dept. There was some correspondence from Mr Gunroe as Collr of S. Kanara regarding his differences with Mr Bhatt. These P. are at flag Q. [C.S. had in his personal custody a file containing private correspondence from Mr Gunroe]

HHC4

removed with

Pub(Spl) Dept.

Pub(Spl)

25/7/36

With reference to clause (c) of the question, there is no inform-

X above

in office about the Specific facts referred to. Attention is re this connection, invited to HMC4's note written as C.S. on pp 2-8 NF. in linked file. Please see also GRO No 396 Pub(Spl) dated 20. 2. 1936 (H)

Such the papers relating to the Suit against M. E. M. Gavan, I.C.S, for the recovery of house rent were recorded

This dept may agree to the draft answer suggested by the Home Secretary on pp 2-8 ante.

AN. 25.7.36

Please see also the papers at flag (L) which contain certain correspondence which M. Gavan had with the Govt in the matter

ET

⊗ given by C.S (now HM C4) who is also along with the complete records in the office

RPG 25.7.

he has no further information regarding the High Court's action. Draft may be an acceptable

27.7.36

Compl 27/7

HMC 27.7

Home

put type the draft answers HMC 27/7

S

Home Dept
E

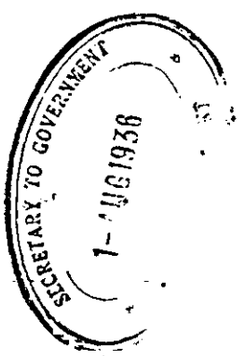
Draft answer as typed is proper.

BB
27/7

MR
27/7

S

NB
28.7




I am afraid the answer is not going to be very satisfactory. But there is nothing to be gained by calling for fuller information from the Ag. Cl. at this distance of time. The draft answer may stand.

QSH
29.7.'36

*Alleged seizure by the District Judge and the District Collector of certain papers in the Sub-Court, Mangalore, relating to a suit decided against Mr. Gawne.*

103 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Law Member be pleased to state with reference to his promise made in the Legislative Council in answer to the cut motion on the Administration of Justice in this House on 19th March 1936, that all he can promise is that he will forward the proceedings to the High Court with special reference to the alleged incident of the Sub-Court at Mangalore on 9th December 1935, when the District Judge and the District Collector went to the Sub-Court and seized certain papers of the suit decided against Mr. Gawne by the Sub-Judge—

(*a*) whether he has sent the proceedings to the High Court as promised;

(*b*) whether the High Court has taken any action on the same or held any enquiry; if so, with what result:

~~28th August 1936~~

(*c*) whether the Government would state the full facts of the case, and specially as to whether the High Court Judge who ordered the search and seizure was informed of the true state of affairs calling for the said action by the party complaining and whether he was informed that the complainant was a party to the suit and whether the order for search was sent to the District Judge through the Collector and not directly; and

(*d*) whether the Sub-Judge has since been transferred; if so, whether it was at the instance of the High Court or the Government and why he was transferred; if it was at the instance of the Government, whether any report was called for from the High Court before transfer?

*A.*—(*a*) Yes.

(*b*) The Government have no information.

(*c*) The Government have no information of what facts were placed before the High Court.

(*d*) The sub-judge has been transferred on public grounds.

A.S.

The final form of question and answer is at p 5 ante. The papers may be returned

44
16/12

16/12

VCS
16-12-86
10 AM
16/12

Co. 3711 Dated. 18.12.86.

Leg. Council Question.

Sub Court, Mangalore — Transfer of Sub Judge — Papers recorded.